



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Inventor: GOBLE, Nigel M.

Atty. Ref.: 2558-67

Serial No. 10/656,877

Group: 3739

Filed: September 8, 2003

Examiner: Rosiland Rollins

For: UTERINE MORCELLATOR

\* \* \* \* \*

January 19, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CLARIFIED RESPONSE TO**  
**ELECTION/RESTRICTION REQUIREMENT**

Sir:

In response to the October 4, 2005 Office Action in the above-identified application, and the Supplemental Communication regarding same mailed by the Examiner on January 13, 2006, Applicant hereby clarifies his election of the claims corresponding to Species XI, *i.e.*, Figure 23 and Species D in Figure 21 of the present application. In the response filed on October 28, 2005, Species XI was erroneously identified as corresponding to Figure 3, rather than Figure 23, because of a typographical error.

In the response filed on October 28, 2005, the correlation between Species XI and Figure 23 was discussed in the "Remarks" section of the response

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appearing on page 2 of the response in connection with a telephone conference the undersigned had with Examiner Rosiland Rollins on October 26, 2005. During that discussion, Examiner Rollins agreed with the undersigned that an appropriate response to the election/restriction requirement was the election of Species IX shown in Figure 23 of the application.

Because Applicant believes that all of the independent claims pending in the application read on the species of Figures 21-23, applicant contends that all of the claims in the application, *i.e.*, claims 1-43, read on such species.

While it is believed that no fee is required for the filing of this Response, the Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

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The foregoing is submitted as a complete response to the Office Action of October 4, 2005 and the Supplemental Communication of January 13, 2006.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

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